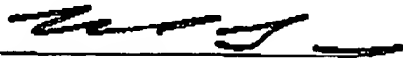


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PATENT**MS160275.01/MSFTP173US****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being faxed to (703) 872-9306 on the date shown below to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: 9-20-04
Himanshu S. Amin**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Erin M. Bourke-Dunphy *et al.*

Examiner: Kuo Liang J. Tang

Serial No: 09/710,143

Art Unit: 2122

Filing Date: November 10, 2000

Title: LOCATION-BASED SCENARIOS TO FACILITATE SELECTION OF
SYSTEM CONFIGURATION

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

Applicants' representative submits this reply brief in response to the Examiner's Answer mailed August 11, 2004. A credit card payment form is filed concurrently herewith in connection with all fees due regarding this document and the Request for Oral Hearing. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [MSFTP173US].

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REMARKS

This is in Reply to the Examiner's Answer dated August 11, 2004. It is respectfully submitted that various contentions asserted in the Examiner's Answer as well as previous arguments made by the Examiner in connection with rejection of claims of the subject application are without merit. The below-noted comments re-address and further emphasize deficiencies of the Examiner's bases for relying on the cited art in connection with rejecting claims of the subject patent application.

The Examiner's Answer states "[t]he amendment after final rejection filed on 12/23/2003 has not been entered" and "[t]he amendment after final rejection filed on 3/17/2004 has not been entered." (See Examiner's Answer, pg. 2). Applicants respectfully note neither the Reply to Final Office Action dated 12/23/2003 nor the Reply to Advisory Action dated 3/17/2004 included amendments; thus, the statements concerning the status of amendments after final in the Examiner's Answer is incorrect.

- i. ***Amberg et al. fails to teach or suggest a setup component that receives information indicative of a location scenario related to where the software system is being installed as recited in the subject claims.***

Amberg *et al.* does not teach or suggest a setup component that receives information indicative of a ***location scenario related to where the software system is being installed*** as recited in independent claim 1 (and similarly in independent claims 7, 8 and 15). The Examiner's Answer contends, "each 'order' is equivalent to each 'location scenario' (e.g. see FIG. 3A, item 300 and associated text)" and "an order is received for a target computer system (location specific scenario)." (See Examiner's Answer, pg. 4) (emphasis removed). Applicants respectfully disagree with such assertion.

In particular, Amberg *et al.* relates to an *order*. An *order* is defined as "a commission or instruction to buy, sell, or supply something." (See American Heritage Dictionary, 4th Edition). As noted in Amberg *et al.*, "the order includes the type of target computer system which a customer desires to purchase and, possibly, an explicit listing of the particular components the customer wishes that target computer system to include." (See col. 5, ln. 38-43). Therefore, the order described in Amberg *et al.* relates

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to a customer's selected preferences for the target computer system that they desire to purchase.

An order, however, is not a location scenario and is not related to where the software system is being installed as recited in the subject claims. Moreover, Amberg *et al.* is silent regarding utilizing a location scenario related to where the software system is being installed. For example, the information in the order of Amberg *et al.* is not dependent upon *where the software system is being installed*. Thus, Amberg *et al.* fails to teach or suggest receiving information indicative of a location scenario related to where the software system is being installed as recited in the subject claims.

- ii. ***Amberg et al. fails to teach or suggest that configuration characteristics for the software system are determined based at least in part on the location scenario as recited in the subject claims.***

Amberg *et al.* does not teach or suggest that configuration characteristics for the software system are determined based at least in part on the location scenario as recited in independent claim 1 (and similarly independent claims 7, 8, and 15). The Examiner's Answer contends, "Amberg *et al.* does teach each of his 'order' is, at least, equivalent to each 'location scenario' as recited in the plain language of the claim. Accordingly Amberg *et al.* indeed teach 'configuration characteristics for the software system being determined based on the location scenario.'" (See Examiner's Answer, pg. 5) (emphasis removed). Applicants respectfully disagree with such assertions.

To support the aforementioned contentions, the Examiner quotes text from Amberg *et al.* at column 5, line 32 through column 5, line 65 (see Examiner's Answer, pg. 4), which relates to a process for converting an order into a computer readable system descriptor record (See col. 5, ln. 29-31). Amberg *et al.* discloses that a BAR file created from an order can contain a unique identifier, a listing of components to include in the target system, part numbers, and customer-specific information such as name, address, and phone number. (See col. 5, ln. 52-65). However, this information is related to the order that was placed by the potential customer and is not related to a location scenario. Amberg *et al.* relates to utilizing a computer system configured to sequence software

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installation and testing steps to be run on a target system using component descriptors from a descriptor file. (See col. 4, ln. 1-10).

On the other hand, the subject invention as claimed recites that the configuration characteristics ... are determined based at least in part on the location scenario. Amberg *et al.* uses the order or the system descriptor record to setup a target computer system, and does not employ a location scenario. Thus, Amberg *et al.* fails to teach or suggest such aspect of the subject claims.

CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments. A prompt action to such end is earnestly solicited.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



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